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Chair: Ms. Waterval (Rapporteur)

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In the absence of Mr. Iwasawa, Ms. Waterval (Rapporteur) took the Chair.

The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Sixth periodic report of Hungary (CCPR/C/HUN/6; CCPR/C/HUN/QPR/6)

1. *At the invitation of the Chair, the delegation of Hungary took places at the Committee table.*

2. **Mr. Szijjártó** (Hungary) said that it was doubtless an unintended coincidence that his delegation was meeting with the Committee 20 days before parliamentary elections in Hungary. Because of its long history of fighting for freedom against oppressive powers, Hungary was a nation which appreciated basic human rights. The Government had a fundamental responsibility to guarantee citizens the right to security, to work, and to be part of a family.

3. It was the firm conviction of the Government that the Hungarian people had the right to live their lives in security. However, as demonstrated by recent events in Europe, illegal immigration, which was closely related to an increase in the threat of terrorism, was putting Hungarians in danger. In 2015, some 400,000 illegal migrants passed through Hungary in violation of numerous international and domestic standards and regulations. The Government was thus adamantly opposed to international treaties supporting immigration. Furthermore, in keeping with its view that Hungarians had the right to voice their opinions on the matter, the Government had conducted a national consultative process, which had revealed that Hungarians were overwhelmingly opposed to illegal migration. Contrary to the belief espoused by many countries and organizations, an integrated, well-ordered homogeneous society was not worth less than a multicultural one.

4. The power to determine who should be allowed to live in the country should reside solely with the Hungarian people. Nevertheless, numerous NGOs promoting international interests were challenging the Government's anti-immigration stance. Those NGOs, most of which were part of the network established by George Soros, were falsely claiming that they represented Hungarian society; since no NGOs had been popularly elected, it was not possible for them to speak on behalf of the people. In a demonstration of the lack of popular support for non-governmental organizations, fewer than 200 out of 4.5 million taxpayers had chosen to donate 1 per cent of their income tax to civil associations, despite being given the option to do so. Although pro-immigration NGOs were certain to continue disputing the matter, the Government would not be persuaded to change its position on immigration.

5. The Government guaranteed the fundamental right of all citizens to work and as a result of its efforts, there was nearly full employment in the country. In addition, since 2010, average real wages had increased by over one third and the minimum wage had increased by nearly 90 per cent.

6. It was the obligation of the Government to ensure another fundamental right, namely protection of the family. The answer to societal challenges such as the need to increase the birth rate did not lie with immigration; family policy measures were the appropriate response to such circumstances. In that regard, numerous successful measures had been implemented to support Hungarian families, including a range of tax breaks and a family home-creation benefit. In addition, free meals and schoolbooks had been provided to record numbers of Hungarian schoolchildren.

7. **Mr. Shany** said that he wished to recall that the dialogue with the Committee was not a discussion on theoretical matters, but rather one concerning the implementation of a legal instrument, namely, the Covenant. It was indeed a coincidence that the current dialogue was taking place so close to the holding of elections in Hungary; the timing of the meeting depended entirely on the rules of the optional reporting procedure, the purpose of which was to ensure prompt consideration of State party reports.

8. Although legislation enacted in 2011 contained some important privacy-protection measures, the Committee would appreciate more information on the legal framework

governing the collection of data for the purposes of national security. It would also like to know whether the legislation in question had been amended following the decision of the European Court of Human Rights in the case of *Szabó and Vissy v. Hungary*. It would be interesting to learn more about the surveillance powers exercised by national security services as part of counterterrorism activities, including details on the remedy available to institutions or individuals that were subject to such surveillance. Since there was no provision for the duty of notification under Act No. 125 of 1995 on the National Security Services, he wished to know whether national security-related surveillance measures remained exempt from the requirement of prior judicial authorization.

9. He would welcome clarification on the abolition of the institution of *actio popularis*, including information on the effectiveness of the constitutional complaint procedure put in place as a substitute. It would be useful to learn whether the new system provided adequate human rights safeguards in the light of reports that it involved a very long process, during which there was no suspension of the legislation called into question. It bore emphasizing that NGOs played a very important role in protecting the rule of law and upholding the rights of minorities in society.

10. Although the European Commission for Democracy through Law (Venice Commission) had been generally supportive of the approach taken in the Act on the Rights of Nationalities, he would like to know whether the State party had addressed the Commission's concern that the Act imposed an excessively heavy regulatory burden on minority self-government structures.

11. He would appreciate information on the measures taken to ensure compliance with the Views adopted in respect of *Párkányi v. Hungary*, *Kulomin v. Hungary* and *Borisenko v. Hungary*. Specifically, he wished to know whether the new law on prison conditions and compensation was retroactively applicable and whether reparations had been made in the case of *Kulomin v. Hungary*. In the light of the State party's assertion of its rejection of the Views regarding *Borisenko v. Hungary*, he wished to point out that the Committee expected its Views to be given good-faith consideration and would welcome the State party's comments in that regard.

12. The Venice Commission had raised a number of concerns regarding the Fundamental Law, despite its many positive features. He would welcome information on the State party's response to those concerns, including information on Constitutional Court limitations and open-ended limits on free speech resulting from the fourth amendment to the Law. He would appreciate examples of cases in which the Constitutional Court and national courts had referred to the Covenant. In the light of reports that structural and procedural changes thereto had allowed the Government to exert increasingly decisive influence over the Constitutional Court, he would welcome the delegation's assurances to the contrary. He also wished to learn more about the budgetary exception introduced by the Fundamental Law with regard to the competence of the Constitutional Court.

13. He would be interested to hear the delegation's comments on: concerns regarding the practice whereby Constitutional Court decisions that sought to protect minority rights were systematically and effectively overruled; the reportedly weakened independence of the judiciary resulting from the extensive powers of the National Office for the Judiciary; and the decision of the European Court of Human Rights in the *Baka v. Hungary* case. Finally, he wished to learn more about the Human Rights Working Group.

14. With regard to domestic violence and violence against women, he would like to know what progress was being made on the national strategy guidelines on combating domestic violence and whether the State party intended to ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) and incorporate it into domestic law. With regard to "relationship violence", he was concerned at the fact that, to be publicly actionable, the offence as defined in article 212/A of the Criminal Code was required to have been committed "on a regular basis". Did that mean that a single instance of domestic violence was punishable only if a private complaint was brought? What happened if the victim did not have the capacity to complain? He wondered why article 212/A was silent on the matter

of sexual violence in a domestic context, and why the definition of family excluded family-like relationships other than cohabitation.

15. The number of prosecutions for domestic violence appeared fairly low, and yet in a survey by the European Institute for Gender Equality (EIGE) 27.7 per cent of women had reported experiencing physical and sexual violence from the age of 15 onwards. He would like to know whether the State party tracked the number of prosecutions. Could the delegation indicate whether any progress had been made? He would be interested in the delegation's comments on what appeared to be a general phenomenon of underreporting, which, according to civil society groups, was related to a perception of police ineffectiveness and a fear of retaliation by abusers. He would like to know why restraining orders were limited to 60 days, renewable only in the event of a recurrence of the behaviour. Given that such orders could be issued only to persons who were legally related to the victim, he wondered what protection existed for persons who were at risk within a relationship that did not qualify as a family relationship under the law.

16. The total number of beds in the shelters around the country was 127, which appeared rather small. Did the delegation believe that it was enough to meet the needs of the entire country? He would welcome the delegation's comments on reports that not all "secret shelters" were in fact secret and that the security protocols applicable were inappropriate.

17. **Ms. Brands Kehris**, noting that the Commissioner for Fundamental Rights had been granted A status by the International Coordinating Committee (ICC) for National Human Rights Institutions, asked what steps had been taken to address the recommendation made by the Subcommittee on Accreditation to establish a clear, transparent and participatory process of selection to that institution. She said that she would also like to know more about the procedure for requesting a budget as part of the overall State budget and particularly whether the executive amended the institution's budget proposal before submitting it to Parliament. She would be grateful if the delegation could provide the budget figures for the five years up to and including 2018 and indicate whether they corresponded to the budget requested.

18. The Commission's mandate was expanding, notably to include the rights of persons with disabilities and the prevention of torture, and she wondered whether a needs assessment had been conducted to determine what additional resources might be required to ensure continued effectiveness. The Commissioner's mandate included equality, which was also covered by the Equal Treatment Authority, and she would appreciate an explanation of the scope of action of each institution in the area of discrimination.

19. She had been interested to note that the list of protected grounds in article XV of the Basic Law included "any other status", which covered intersectional and multiple discrimination. She would like to know whether such an approach to multiple discrimination was effective and whether it would allow for distinct penalties as compared to the definition of a single ground. Could the delegation provide any examples of relevant cases?

20. She requested information on the number of decisions taken by the Commissioner in the past five years and, noting that they were not legally binding, asked what the compliance rate with those decisions was.

21. The Unified Statistical System of Investigations and Prosecutions did not contain data on sexual orientation; did that apply to all other prohibited grounds for hate crime? She would like to know whether the recording of hate crime on grounds of sexual orientation was at the discretion of the authorities. She wondered whether the delegation was aware of any complaints of hate speech or hate crimes based on sexual orientation or gender identity, or any prosecutions. She would like to know whether law enforcement officers, prosecutors and judges received training on the handling of hate crime on such grounds and what other measures were being taken to combat that kind of hate crime.

22. She would appreciate the delegation's comments on reports of discrimination and harassment against lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, and any information it could provide on investigations carried out and their outcome. In the light of surveys conducted by European Union bodies, and of the attention given to the

subject in the universal periodic review of Hungary in 2016, she would appreciate hearing about any strategies in place to tackle such discrimination. She would be particularly interested in steps to address discrimination in education, given that LGBTI students reported bullying and harassment and that authorized textbooks did not always refer to sexual orientation in an objective fashion.

23. Transgender persons appeared particularly vulnerable to discrimination in employment and there seemed to be no legal protection against discrimination on grounds of sexual orientation in the private sector. She wondered what was being done to address that situation. Given the generally negative attitudes towards LGBTI persons in the State party, she would like to hear about any awareness-raising and other measures put in place to prevent such discrimination, such as training of public officials and teachers.

24. **Ms. Jelić** said that it appeared that the Roma in the State party still faced systematic discrimination and inequality in all areas of life. In the matter of minority rights protection there were serious allegations, from various international bodies including the Council of Europe, that the law in the State party was not applied equally to all. Notwithstanding the commendable measures outlined in the State party's report, there appeared to be a gap between the law and its implementation. She would like to know what measurable outcomes had resulted from the various strategies and action plans the State party had put in place, and what data it could provide to demonstrate that the situation of the Roma — notably their living conditions — had improved. She also wondered whether any consultations had been held with Roma representatives.

25. In the light of the Public Education Development Strategy, she would be particularly interested to hear what had been done to improve Roma children's opportunities to access all levels of education and to prevent their placement in segregated classes. According to information from the Council of Europe and evidence from the State party itself, segregation of Roma children in school had become more widespread. Among other things, their inclusion in mainstream schools appeared to be contingent on their first "catching up" in segregated conditions and therefore was unlikely ever to happen. She was greatly concerned about the ruling by the Curia to the effect that segregation of Roma children was not unlawful in faith-based schools, which was contrary to the concept of equal treatment. That ruling contrasted with the European Court of Human Rights finding of a prima facie case of indirect discrimination in *Horváth and Kiss v. Hungary*, on the grounds that Roma children were systematically misdiagnosed as having mental disabilities and on that basis wrongfully placed in special remedial schools. She would like to know what measures the State party was taking to prevent wrongful placement. She also requested information on the concept of "complex desegregation", as well as figures on the dropout rate for Roma children, fewer and fewer of whom seemed to be reaching secondary school.

26. She would like to know when the Anti-Segregation Roundtable had been established and whether it included representatives of the Roma or other national minorities. More generally, how often did national minorities take part in the work of such bodies? She wondered how many students from national minorities including Roma had benefited from the Bursa Hungarica Local Governmental Scholarship and the State-funded training in higher education referred to in the report.

27. There was clearly a gap between law and practice in respect of hate crimes against members of vulnerable groups. There were serious allegations that the police failed to act impartially and applied double standards in cases involving Roma in particular. In four relevant cases, the European Court of Human Rights had found a failure on the part of the authorities to investigate the hate motivation behind crimes of violence against Roma. She would appreciate receiving information on any corrective measures being taken in that regard, as well as statistics on the number of persons charged and sentenced for such crimes, or acquitted.

28. In 2014 the police had reportedly rejected an NGO proposal to set up a joint working group against ethnic profiling; she wondered whether there had been any developments since and whether cooperation between NGOs and the police on that issue had improved. The police were also apparently failing to comply with their obligations under a 2016

agreement to avoid discriminatory identity checks; she would appreciate the delegation's comments.

29. Lastly, she enquired about the training received by judicial and police officials in detecting and investigating hate crimes and about any protocols or guidelines that might be available to make investigations more effective.

30. **Mr. Politi** said that he would like to know whether the "cross-sectoral working group" set up under the National Disability Programme to make recommendations for improving the conditions of persons with disabilities had produced a document or made specific proposals for the protection of the rights of persons with disabilities. He wondered what specific results had been obtained by the disability coordinators and what impact their work had had on the treatment of persons with disabilities. He would also be grateful for more information on the measures proposed for persons with mental disabilities in the draft Kopp Mária National Mental Health Strategy 2016–2020 and the current status of the draft.

31. According to reports more than 23,000 persons with disabilities were confined in long-term residential institutions, in many cases involuntarily under the system of guardianship. The Committee also had information about cases of torture and ill-treatment in such institutions, notably at the Tophaz special home, where inmates had been placed in cage beds and endured malnutrition and violence, including sexual violence. He asked whether any effective action had been taken as a result of the investigations carried out by the authorities in that case.

32. Similar concerns applied to children who were in large residential institutions rather than in family-type placement or foster homes. He asked the delegation to provide statistics on the number of children with disabilities placed with foster parents and the number in residential institutions. He would welcome the delegation's comments, and information on any measures taken to prevent such ill-treatment and punish those responsible.

33. He asked the delegation to provide updated information on the new draft strategy on deinstitutionalization, particularly its main features and the time frame for its adoption. What special measures were envisaged with regard to children and persons with psychological disabilities?

34. Referring to paragraph 111 of the State party's report, on the restriction of voting rights for persons with disabilities, he asked what criteria the courts were required to apply in determining such restriction and what form the judicial proceedings took in such cases.

35. He would like to know whether the institution of supported decision-making was comparable to guardianship and what degree of autonomy the beneficiary was able to exercise. What were the support person's functions in respect of the exercise of the right to vote? Were they permitted to accompany the person involved into the polling station or only to help them to understand the voting mechanism?

36. The Committee took note of the information provided by the State party with regard to sterilization, but would welcome further information on the forced sterilization of persons with disabilities, including statistics relating to the number of persons with disabilities forcibly sterilized in the previous five years. In 2013, the Committee on the Elimination of Discrimination against Women had expressed its concern regarding reports that women with disabilities in Hungary were often sterilized without having given their free and informed consent and that current legislation established wide-ranging grounds for sterilization. He wondered whether the delegation could comment on those reports. Moreover, the Committee would welcome further information on the procedure leading to the sterilization of persons with disabilities, specifically whether legal guarantees were in place to ensure that patients had indeed given their consent.

37. **Mr. Ben Achour** said that, although he accepted that it was normal for a Government to want to ensure the security of its population, a Christian society, as the delegation had described the society of Hungary, also had a duty to take care of foreigners in its community.

38. In its replies to issue 10 of the list of issues prior to reporting, the State party had provided ample information regarding measures taken by the Government towards the

achievement of gender equality. However, it had not provided information regarding how it planned to eradicate gender stereotypes in society. In fact, in statements made by some Hungarian politicians and in some of the training material of the Hungarian police force, dangerous gender stereotypes were actively promoted. He would welcome the delegation's views on whether the State had a duty to tackle gender stereotypes and was interested to know of any positive measures that the Government had considered taking to put an end to the culture of the belittlement of women, both in ideology and in practice.

39. The State party's replies to issue 12 of the list of issues prior to reporting, on human trafficking, had been comprehensive and precise. However, he would appreciate clarification of paragraph 147 of the State party's report, which was ambiguous. Specifically, he would welcome an explanation of what was meant by parasite crimes. Furthermore, he wondered whether the delegation could clarify the mechanics of the child protection warning system mentioned in paragraph 135 and the details of the Victim Support and Compensation Act 2005 mentioned in paragraph 142, with particular regard to instant monetary aid, safe houses and state compensation for victims. In addition, the Committee would welcome statistics regarding trafficking-related investigations, trials and convictions.

40. Lastly, the Government had justified its decision to lower the age of criminal responsibility from 14 to 12 by indicating that by the age of 12 children had finished their primary school studies and had developed sufficient intellectual capacity to take responsibility for their actions. However, both of those claims had been contested by Hungarian non-governmental organizations. He wondered whether the delegation could comment on civil society's criticism of its decision.

41. **Ms. Kran** said that she would welcome the delegation's comments on the practice whereby police or prosecutors in Hungary had discretion over the appointment of state-funded lawyers for detainees who required legal aid. The Committee understood that the same lawyers were chosen on most occasions. In fact, some lawyers based their entire practice on such legal-aid appointments and were therefore financially dependent on the police. She was therefore interested to know how the State party ensured that the appointment relationship between prosecutors and legal-aid lawyers did not negatively influence or place pressure on the latter in such a way as to jeopardize the effective representation of arrested persons.

42. It had been reported that indigent defendants received a lower quality of representation from legal-aid lawyers than from other lawyers. She therefore wished to know what measures were in place to ensure that indigent defendants received meaningful representation from state-funded lawyers; how it was ensured that all defendants were given information on their rights in a manner that they understood; and whether the State party had considered gathering reliable feedback as a source of information about state-funded lawyers with a view to ensuring more effective legal representation.

43. Lastly, the Committee understood from the State party's report that the participation of defence counsel was compulsory in criminal proceedings. However, practitioners had claimed that, in practice, they were given such short notice of proceedings that they could not be physically present, which was all the more problematic given that neither the police nor the prosecutor were obliged to wait for counsel to arrive before interrogating a suspect. She wondered whether the delegation could elaborate on how the State party planned to ensure that the new Criminal Procedure Code addressed the practice of short notice. For example, it would be useful to know whether the new Code would establish an obligation for police or prosecutors to wait for defence counsel to arrive before beginning interrogations. It would also be useful to know whether there were plans to consistently record video footage of interrogations, whether defence counsel was present or not.

44. **Mr. de Frouville** said that the Government had reportedly submitted draft legislation in January 2018 commonly referred to as the Stop Soros legislative package, in reference to the founder of the Open Society Institute, George Soros. The legislation had been proposed in the context of persistent smear campaigns targeting Mr. Soros, organized by the Government and funded with public money. Those campaigns were conducted through the public statements of political figures, including the prime minister, and through

billboards representing Mr. Soros as the mastermind of a conspiracy to facilitate the mass entry of migrants into Hungary. According to the reports of some organizations, the conspiracy theory had openly anti-Semitic themes, similar to those of anti-Semitic propaganda from the 1930s. Notably, on Thursday 15 March, Prime Minister Viktor Orbán had delivered a speech in Budapest in which he had used words such as different, hiding, crafty and international to describe the supposed enemy of Hungary, further stating that the alleged enemy speculated with money and had no homeland. With that in mind, he wished to know what measures the State party planned to take to put an end to smear campaigns that incited hatred against foreigners and so-called foreign agents, including conspiracies reminiscent of anti-Semitic propaganda, in accordance with articles 19 and 20 of the Covenant.

45. **Ms. Cleveland** said that since the State party had last come before the Committee, it had adopted a constitution, known as its Fundamental Law, and passed numerous additional laws. For example, between May 2010 and March 2012, the Parliament had adopted over 160 new laws and had amended a further 219. The Committee had received reports that many of those new laws and amendments had been passed using abbreviated legislative processes, which did not allow for adequate engagement with the political opposition and civil society or for public review and debate. For example, a large number of new organic laws had been passed and could only be amended through a two-thirds majority, while bills submitted by individual members and parliamentary committees were considered by Parliament before being published for scrutiny. Members of the opposition were limited in their ability to participate in the legislative process, including the preparation of the new Fundamental Law. Legislation had been passed that excessively shortened the time allocated to legislative debates on bills, and important substantive amendments were often made to laws after they had been debated in Parliament, under the rubric of technical amendments.

46. Furthermore, retroactive legislation had been passed that seemed to benefit certain individuals, including by lowering the minimum age requirements for public offices and extending the ability of incumbent holders to remain in office, while other pieces of legislation prematurely removed individuals from office, as had happened in the case of András Baka, the president of the Hungarian Supreme Court. What is more, the media had been restricted in its ability to cover parliamentary procedures. In its opening remarks, the delegation had emphasized the right of all Hungarians to voice an opinion on issues of public importance. She therefore wondered how the legislative processes she had described were consistent with Hungary's obligations under articles 2 (2), 19 and 25 of the Covenant and she wished to know what measures the Government had taken to ensure that legislative and constitutional reform was developed through an open and inclusive process allowing for meaningful input from opposition politicians, civil society and the public.

47. **Mr. Muhumuza** said that he wondered whether the State party had any advocacy programmes for black persons in Hungary, in view of their very small number as a proportion of Hungarian society.

48. He had heard reports that xenophobic language had been used by high-level Government officials with regard to migrants and members of the Roma community. Further reports indicated that members of the current Government had threatened to exact political revenge on their opponents once in power. He wished to know whether revenge was a policy endorsed by the Government and, if so, what form that revenge would take. He found it appalling that such rhetoric was used by persons holding high office in Government, especially because it was reminiscent of the xenophobia that preceded the Second World War. He would appreciate the delegation's comments in that regard.

The meeting was suspended at 4.55 p.m. and resumed at 5.20 p.m.

49. **Mr. Szijjártó** (Hungary) said that his country had struggled against dictatorships throughout its history. For that reason, he would reject in the strongest possible terms any attempt to align Hungary with the dictatorships of the twentieth century. In 2010, the country had been on the edge of a precipice. His Government had been democratically elected by a two-thirds majority and had a clear mandate to carry out deep structural

reforms. It was simply undemocratic to suggest that the Government should disregard that mandate.

50. Hungary had been the last of the former constituent entities of the Soviet Union to adopt a new constitution. In fact, the Fundamental Law, which had entered into force in 2012, had replaced a text dating from 1949. Members of the public and opposition parties had been involved in the process of adopting the Fundamental Law. There had been a dedicated national consultation, as part of which all Hungarian citizens aged over 16 years had received a questionnaire. Hundreds of thousands of people had responded, and the bill had been amended on the basis of those responses. The Parliament had focused exclusively on the adoption of the Fundamental Law for an entire month.

51. The Government regularly held national consultations in order to give citizens the opportunity to express their views on important issues. The most recent national consultation concerned the issue of illegal migration. The fact that some 2.5 million citizens had responded was evidence of the solid foundations on which the Government's policies on that front rested. The large number of laws adopted in recent years showed that the members of the Parliament were honouring their responsibilities. False allegations were often made against politicians during election campaigns. It was understandable that, once the elections themselves had taken place, such politicians would wish to seek legal redress.

52. It was inaccurate to characterize his Government as anti-Semitic. Holocaust denial was punishable under the Criminal Code. Hungary had the largest Jewish community in Central Europe, and the Jewish community in Budapest played a vital role in the city's cultural life. The Government had funded the reconstruction of synagogues in Hungary and in other countries in the region. George Soros had made clear his views regarding the policies pursued by the Government and his desire for mass migration to Europe and the destruction of the nation State as a phenomenon. The Government had not hidden its disagreement with Mr. Soros. However, anti-Semitism was irrelevant to that disagreement.

53. Since the Government had come to power, the number of Roma students at university level had doubled. The Government sought to ensure that all children were able to enjoy their right to education and had made specific efforts to increase the inclusion of Roma children. In addition, programmes designed to increase the school enrolment rate among children from economically disadvantaged families tended to benefit Roma communities. Education was provided free of charge up to grade 12, textbooks were provided free of charge up to grade 9, and more than 1 million children in the country's nurseries, kindergartens and schools were entitled to a daily meal free of charge.

54. The Government maintained an ongoing dialogue with the leaders of Christian communities in the Middle East and North Africa. It funded schools and hospitals in those regions with the aim of enabling Christian communities to continue living in their historical homelands. As a Christian country, Hungary had a responsibility to protect Christians throughout the world. Christians were fast becoming the most persecuted religious group in the world. The international community should aim to address the migrant crisis by eliminating its root causes. Moreover, women in Hungary enjoyed total equality with men.

55. **Mr. Kecsmár** (Hungary) said that there was a comprehensive legal framework in place to protect refugees. Christian values were also important in that regard. Hungarian Jews lived in peace and had no need to flee their country. Critics of the Government often hurled accusations of anti-Semitism in a cheap attempt to stifle the genuine debate that was currently taking place in society. Over the period 2012–2014, the powers of the National Judicial Council had been strengthened in order to counterbalance the power of the National Office for the Judiciary. The Government was of the view that the appropriate balance had now been struck. The Human Rights Working Group was attached to the Ministry of Justice and met twice a year. Some civil society organizations had decided to discontinue their involvement in the Human Rights Working Group, but they would be welcome to resume their participation in its work in the future.

56. **Mr. Péterfalvi** (Hungary) said that, on 1 January 2012, new provisions on data protection had entered into force. Before that date, the draft provisions had been reworked in the light of comments received from the Venice Commission and the European Commission. In 2016, the European Data Protection Authorities' Conference had been held

in Budapest, which was evidence of the conformity of the country's data protection legislation with European standards. The National Authority for Data Protection and Freedom of Information could investigate complaints relating to secret data collection. Over the course of 18 months, it had carried out 34 stress tests on the specialized services authorized to conduct secret data collection. The National Authority received around 10 complaints a year. It launched investigations in response to those complaints and to other relevant information.

57. **Mr. Mázi** (Hungary) said that the Venice Commission had been critical of the mechanism of *actio popularis* in general and had noted that it was not requisite in a democratic state and that a sufficient and comprehensive level of individual protection could be guaranteed via a full constitutional complaint.

58. **Mr. Tallódi** (Hungary) said that, in accordance with a judgment of the European Court of Human Rights, the Hungarian Government had paid €100,000 in damages and costs to András Baka. It had been decided that no further measures of redress were necessary. By the time that the judgment of the European Court had been delivered, Mr. Baka's original term of office would already have expired. In any case, the presidency of the Curia (Supreme Court of Hungary) was currently not vacant, and the incumbent's mandate would not expire until January 2021. Mr. Baka remained a practising judge in the Curia. The violation found by the European Court was the result of a one-off process of reform of the judicial system.

59. **Mr. Kecsmár** (Hungary) said that Hungary had signed but had not yet ratified the Istanbul Convention. The public consultation held on the matter had yielded a highly negative result.

60. **Mr. Mészáros** (Hungary) said that the national network of residential institutions for victims of domestic violence had been expanded significantly in recent years. In addition, 2018 would see the opening of 5 new crisis centres, 11 new halfway houses and 7 secret shelter houses, which would provide places for a further 236 victims. In 2017, crisis centres and secret shelter houses had been given the opportunity to apply for a grant of 1 million Hungarian forints to cover the costs of introducing more robust security measures. The institutions in the network all had security cameras and access control systems. Although some victims had previously decided to contact their abusers, steps had since been taken to prevent any contact between victims and their abusers. Efforts would continue to be made to improve the network.

61. **Ms. Tóth** (Hungary) said that the Criminal Code, as recently amended, established an age of criminal responsibility of 12 years for certain serious offences, including homicide and voluntary manslaughter. The age of criminal responsibility was set at 14 years for all other offences.

62. **Mr. Mészáros** (Hungary) said that independent experts and a team formed by the Ministry of Human Capacities had conducted checks in response to the claims made by the Mental Disability Advocacy Centre regarding the situation in Topház, an institution for persons with disabilities in Gödöllő. Although it had been determined that the specific claims made regarding the institution were unfounded, the Ministry had identified a number of deficiencies and had developed an action plan aimed at overcoming them. In the short term, conditions would be improved. It had been proposed that, in the long term, the institution should be placed under the control of a charity association and ultimately replaced. To that end, the Ministry for National Economy would set aside up to 2 billion Hungarian forints in 2018 and 2019.

63. **Mr. Kecsmár** (Hungary) said that the quality of legal counsel in Hungary was guaranteed by the fact that only lawyers admitted by the country's bar associations were authorized to practise.

The meeting rose at 6 p.m.